

REMARKS

I. Status of Claims

Prior to the entry of this paper, Claims 1-56 were pending. Claims 1-56 were rejected. In this paper, Claims 1, 29-32, 34, and 42 have been amended. Claims 1-56 remain pending. No new matter is added by way of this amendment. For at least the following reasons, it is respectfully submitted that each of the pending claims is in condition for allowance.

II. Drawings

The drawings are objected to because Figure 2, Element 220 contains a written word that is not legible. As noted above, replacement sheets of drawings have been submitted with this paper, including one in which written word in question has been made legible. Accordingly, withdrawal of this objection is respectfully requested.

III. Specification

The specification has been amended to include the proper application numbers on the first page of the specification. Accordingly, withdrawal of this objection is respectfully requested

IV. Double Patenting - Provisional

Claims 1, 3, 4, 12, 15, 29, 30-34 and 43 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1, 34, 4, 14, 15, 30, 38, 46 and 47 of co-pending U.S. Patent Application No. 10/698,168 teaches all the limitations of claims 1, 3, 4, 14, 15, 30-34 and 43.

This rejection is hereby acknowledged. Should this provisional obviousness-type double patenting be the only remaining grounds of rejection in the application, then this provisional rejection will be addressed in a timely manner as is discussed in MPEP 804.

V. Claim Rejections - 35 U.S.C § 102

Claims 1-24, 27-52 and 55-56 were rejected under 35 U.S.C. 102(e) as being anticipated by Craft, U.S. Patent No. 6,697,868 (hereafter “Craft”).

Claim 1 has been amended to recite the additional step of determining whether to accept the transfer of the network connection to the second network protocol stack based at least in part on the state of the second network protocol stack and the nature of the connection, wherein determining further comprises refusing the transfer of the network connection.

This amendment clarifies the distinction and thus patentability between the claimed invention and the cited prior art. Specifically, this amendment clarifies the consideration and advanced analysis involved with making a transfer between the first and second network protocols. The basis and benefactors of such additional assessment are particular network connection being transferred as well as all of the overall network connections being conducted by the computing system. Support for this amendment can be found, for example, on line 21, page 30 through line 16, page 31 of the specification, as originally filed.

It is respectfully submitted that Craft fails to teach or suggest applying such in-depth scrutiny or inspection as embodied in this amended limitation. Transfers in the system of Craft are disclosed as being accepted and processed (col. 9, lines 11-31). Receiving a transfer and the context of the transfer results in the initiation of fast-path processing(col. 9, lines 27-30). This straightforward and uninterrupted response fails to teach or suggest a second round of post-transfer determining, much less refusing a transfer, as is represented in the amended limitations of “determining whether to accept the transfer of the network connection to the second network protocol stack” and “refusing the transfer of the network connection” respectively.

Offloading of a connection from the CPD (30) to the host stack (44) is disclosed in Craft as being based on the communication control blocks (CCB), whether as part of an exception condition or the initial processing of a fast-path processing candidate (col. 4, lines 2-10 and col. 5, lines 20-25). Communication control blocks summarize the various features of a connection message, such as the protocol types, source and destination addresses, and status of the message (col. 3, lines 38-46). So far as these CCB do not include information regarding the state of the CPD (30), it is

respectfully submitted that the offloading of a connection based on CCBs does not teach or suggest the steps of “determining whether to accept” or even “refusing” a network connection based at least in part on the nature of the network connection and a state of the second network protocol.

Further, the teachings of Craft consistently involve assessing a network connection prior to performing a handout of the connection (col. 5, lines 41-55). Such an arrangement is neither suggestive of nor able to reap the benefits of having a secondary determining step of whether a network connection is accepted or denied based on a state of the second network protocol stack and the nature of the network connection. In fact, the only assessment of the nature of a connection in the system of Craft (which, notably, does not involve the state of CPD 30) is used to preclude the initial handout of a connection (col. 9, lines 57-63). Such pre-emptive prevention of transfer fails to involve or address the capabilities represented by CPD (30), including those which may benefit the overall status and processing of all network connections that are in-progress in the computing system. This example of operation in Craft further demonstrates that the teachings of Craft neither teach nor suggest the claimed invention.

The teachings of Craft further include a situation where data placed at a given host destination is treated as being accepted by an upper layer of an application (col. 11, lines 48-54). So far as this treatment involves the presumption of acceptance, such a response supercedes the claimed conditional “determining whether to accept” and any form of resultant “refusal of transfer”. It is further noted that the context of this treated “acceptance” is neither included nor indicative of being part of a handoff or flush process. Rather, it is associated with the appearance of data on a host destination buffer. Again, such a feature fails to anticipate or render obvious all of the limitations of Claim 1, including the “refusing a network connection based at least in part on a state of the second network protocol stack and a nature of the network connection”.

For at least the above reasons, it is respectfully submitted that the disclosure of Craft neither anticipates nor renders obvious all of the limitations of Claim 1, as amended, particularly when such limitations are considered in the overall context of Claim 1 as a whole.

So far as **Claims 2-24, 27-52 and 55-56** depend from Claim 1 or have been amended to include similar limitations, it is respectfully submitted that these claims are allowable over the prior

art of record for at least the same reasons listed above. In light of the above response, withdrawal of the rejections of each of these claims is respectfully requested.

VI. Claim Rejections - 35 U.S.C § 103

Claims 25, 26, 53 and 54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Craft in view of Tam, U.S. Patent No. 6,622,172 (hereafter "Tam").

Tam discloses a system involving asymmetric network connections and a dynamically delayed TCP acknowledgements (col. 8, lines 4-21 and 62-67). Tam does not teach or suggest a procedure for transferring a network connection between a first network protocol stack and a second network protocol stack, including a step of determining of whether to accept a transfer at a second network protocol stack that further comprises refusing the transfer based at least in part on a state of the second network protocol stack and a nature of the network connection. As such, it is respectfully submitted that Tam does not teach or suggest the above noted deficiencies of Craft.

So far as **Claims 25-26 and 54-55** depend from Claims 1 and 32, which have been amended to include limitation discussed above, it is respectfully submitted that these claims are allowable over the prior art of record for at least the same reasons listed above. In light of at least the amendments made to the parent claims, withdrawal of these rejections under 35 U.S.C. 103 of each of these claims is respectfully requested.

In view of the above amendment, the applicant's attorney believes the pending application is in condition for allowance.

Respectfully submitted,

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